

MINUTES, LIMESTONE COUNTY COMMISSION, MARCH 3, 2014

The Limestone County Commission met in a regular meeting today, at 10:00 a.m. at the Clinton Street Courthouse Annex, 100 South Clinton Street, Athens, Alabama.

Chairman Menefee called the meeting to order and welcomed the Athens City Council to the joint county-city meeting.

PRESENT: Steve Turner, James W. "Bill" Latimer, and Ben Harrison. Absent: Gary Daly. Stanley Menefee, Chairman presided.

The City Council meeting was called to order by Council President Harold Wales. Present: Chris Seibert, Jimmy Gill, Wayne Harper and Harold Wales. Joseph Cannon was absent. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting for the City of Athens.

The meeting began with the Pledge of Allegiance.

MOTION was made by Steve Turner and seconded by James W. "Bill" Latimer approve the Minutes of February 14, 18, & 26, 2014.

The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by James W. "Bill" Latimer approve the following claims:

2/14/14	Check # 27372 - 27409	\$ 403,517.13
2/20/14	Check # 27410 - 27452	\$ 335,309.98
2/21/14	Check # 27453 - 27477	\$ 463,900.36
2/28/14	Check # 27478 - 27581	<u>\$1,046,571.07</u>
	TOTAL	\$2,249,298.54

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

Chairman Menefee called upon Economic Development President, Tom Hill, to present the Economic Development Project. Mr. Hill introduced special guest John Boyd, Executive Vice President of Signature Associates, representing Asahi Kasei Plastics North America, Inc. and Joseph Burchfield with the Alabama Department of Commerce. Mr. Hill explained that Asahi desires to purchase approximately 50 acres of property that is jointly owned by the Limestone County and the City of Athens for the price of \$800,000.00. Asahi would purchase the property for the intended construction and operation of a new manufacturing facility of approximately 100,000 square feet and which manufacturing facility will provide new jobs within the County. Mr. Hill explained the local site is in competition with other sites in the Southeast action and favorable action today would make the land available if the Athens site is chosen.

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Councilmember Chris Seibert introduced an Ordinance to allow the sale of approximately 50 acres of property to Asahi in the amount of \$800,000.00.

Council President, Harold Wales, asked for a suspension of the rules to take action on the introduced Ordinance. A motion was made by Councilmember Jimmy Gill to suspend the rules and seconded by Councilmember Wayne Harper. Motion carried 4/0.

A second was made by Councilmember Jimmy Gill to approve the above-stated ordinance.

MOTION was made by James W. "Bill" Latimer and seconded by Ben Harrison to approve the following resolution:

A RESOLUTION APPROVING A SALE OF REAL PROPERTY OWNED JOINTLY WITH THE CITY OF ATHENS, ALABAMA

WHEREAS the Limestone County Commission is the governing body of Limestone County, Alabama; and,

WHEREAS, the Limestone County Commission (the "County") jointly owns approximately 130 contiguous acres of real estate with the City of Athens, Alabama, (the "City"), located in the area of Airport Road and Wilkinson Street in the City of Athens, in Limestone County, Alabama; and,

WHEREAS, Asahi Kasei Plastics North America, Inc. ("Asahi"), desires to purchase approximately 50 acres of the property for the price of \$800,000.00, but only 30 of which is jointly owned by Limestone County and the City of Athens; and,

WHEREAS, the Limestone County Commission specifically finds that the above price would be an adequate and fair consideration for the property and constitutes the fair market value for the property; and,

WHEREAS, a contract for said purchase has been presented to the County Commission, a copy of which is attached hereto, and which sets forth therein a contingency upon closing a subsequent Infrastructure Agreement between the parties

WHEREAS, the Limestone County Commission finds that Asahi would purchase the property for the intended construction and operation of a new manufacturing facility of approximately 100,000 square feet and which manufacturing facility will provide new jobs within the County; and,

WHEREAS, the said property is no longer needed for public purposes; and,

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WHEREAS, this sale of the property is authorized by Section 94.01 of the Constitution of Alabama of 1901 as well as under the general powers of the Limestone County Commission; and,

WHEREAS, a motion was made by Commissioner James W. "Bill" Latimer, and seconded by Commissioner Ben Harrison, to approve the sale of the above-stated real property to Asahi for the price of \$800,000.00; and,

WHEREAS, upon said motion and a second having been made in an open meeting of the Limestone County Commission on the 3rd day of March, 2014, with discussion had thereon and a vote having been taken, upon which vote said motion carried by a vote of 3 to 0;

NOW THEREFORE, BE IT RESOLVED BY THE LIMESTONE COUNTY COMMISSION that the Chairman is authorized to enter into the attached Purchase Contract by and between Limestone County, the City of Athens, Alabama, and Asahi for the sale of the said real property, subject to the approval of legal counsel, upon such other terms and conditions as may be necessary and appropriate to accomplish same, but for no less than the price and substantive terms herein resolved; and,

BE IT FURTHER RESOLVED that the Chairman of the Limestone County Commission and its Administrator shall be authorized to further execute any and all documents and instruments that may be necessary to complete the said contract and any other such documents herein contemplated for the performance of the actions herein resolved.

The authority granted herein shall be in force and effect immediately upon passage of this Resolution.

ADOPTED AND APPROVED this ____ day of March, 2014.

Limestone County Commission Chairman

ATTEST:

County Clerk/Administrator

The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

Tom Hill thanked the City and County.

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Councilmember Wayne Harper introduced a Resolution approving the bid packages for Phase II of the Athens-Limestone Public Library building project in the amount of \$2,430,787.00.

A second was made by Councilmember Chris Seibert. Motion carried 4/0.

MOTION was made by Ben Harrison and seconded by James W. "Bill" Latimer to approve the following resolution:

A RESOLUTION AUTHORIZING CONTRACTS RELATING TO THE JOINT LIBRARY PROJECT, AND APPROVING RELATED EXPENSES

WHEREAS, Limestone County Commission and the City of Athens are joint parties to the "Purchase, Sale, and Joint Development Agreement," as amended;

WHEREAS, the County and City have received sealed bids for Phase II of the Athens-Limestone Public Library;

WHEREAS, this project was divided into separate bid packages, and contained various alternatives;

WHEREAS, the County Commission has identified the lowest responsible and responsive bidders for the various bid packages;

WHEREAS, the County Commission wishes to award the bid package contracts as stated in this Resolution; and

WHEREAS, the Limestone County Commission recognizes that the City Council must take similar action prior to such bid package awards to be final.

THEREFORE BE IT RESOLVED BY THE LIMESTONE COUNTY COMMISSION on March 3, 2014 at 10:00 a.m., as follows:

1. The County Commission finds that the lowest responsible and responsive bidders for the various bid packages related to Phase II of the Athens Limestone Public Library project are as shown in **Exhibit A** hereto. The County Commission awards the various bid packages, along with the alternates, as shown in the column shaded in green on **Exhibit A** hereto.

2. The Chairman, on behalf of Limestone County Commission, is directed to enter into a contract with the successful contractors (and with the City of Athens), with respect to the various bid packages, as shown in the column shaded in green on **Exhibit A**. The contracts shall be in conformity with the bid specifications and proposals of the successful bidders. Such contracts, at the Chairman's reasonable discretion, may include further and additional terms that accomplish the purpose of this

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Resolution, to the extent that the same are not inconsistent with the bid specifications and proposals of the successful bidders, and are otherwise permitted by law.

3. The Chairman is further authorized to carry out the terms of such contracts as soon as may be practicable, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

4. The Limestone County Commission approves the expenditure of \$2,430,787 from the Project Account (and made pursuant to the Purchase, Sale, and Joint Development Agreement, as amended) for Phase II – Athens Limestone Public Library expenses, as shown in **Exhibit A**. The Project Manager may disburse such funds as provided in the Purchase, Sale, and Joint Development Agreement, as amended.

5. This resolution shall only become effective only to the extent that a resolution or other measure of the same effect is adopted by the Athens City Council. **ADOPTED** this the 3rd day of March, 2014.

STANLEY MENEFEE, CHAIRMAN

CERTIFICATION OF COUNTY ADMINISTRATOR

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, Pam Ball, County Administrator, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the Limestone County Commission on the 3rd day of March, 2014.

Witness my hand and seal of office this 3rd day of March, 2014.

Pam Ball, County Administrator

The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

EXHIBIT A

(Exhibit A to be inserted in Minute Book)

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Millie Caudle thanked the City and County on behalf of the Library Foundation

There being no further business of the Athens City Council to come before the joint meeting, the same was, upon motion by Councilmember Jimmy Gill and seconded by Councilmember Chris Seibert, adjourned at 10:13 a.m.

The regularly scheduled meeting of the Limestone County Commission resumed.

MOTION was made by Steve Turner and seconded by Ben Harrison to approve Amendment #3 to the Health Services Agreement with Southern Health Partners to extend the 2013 - 2014 renewal period for another seven months with no increase in fees through September 30, 2014, to get the contract in line with the County's fiscal year.

AMENDMENT #3 TO HEALTH SERVICES AGREEMENT

This AMENDMENT #3, to Health Services Agreement dated February 16, 2010, between the Limestone County Commission as the governing body of Limestone County, Alabama (hereinafter referred to as "County"), and Southern Health Partners, Inc., a Delaware Corporation, (hereinafter referred to as "SHP"), with services commencing on March 1, 2010, is entered into as of this ____ day of _____, 2014.

WITNESSETH:

WHEREAS, County and SHP desire to amend the Health Services Agreement dated February 16, 2010, between County and SHP.

NOW THEREFORE, in consideration of the covenants and promises hereinafter made, the parties hereto agree as follows:

Section 6.1 is hereby replaced in its entirety by the following:

6.1 Term. This Agreement shall commence on March 1, 2010. The term of this Agreement shall end on September 30, 2014. At the option of the County, the Agreement may be extended for additional terms of one-year each, subject to County funding availability, unless either party provides written notice to the other of its intent to terminate at the end of the Agreement term.

Section 7.3 is hereby replaced in its entirety by the following:

7.3 Future Years' Compensation. The amount of compensation (i.e., annual base price and per diem rate as defined in Sections 7.1 and 7.2, respectively) to SHP shall increase at the beginning of each contract year.

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If County should opt to renew this Agreement for the twelve-month period beginning on October 1, 2014, the amount of compensation shall increase by 2%, such that County shall compensate SHP based on a twelve-month annualized price of \$347,603.04 during the period effective October 1, 2014, through September 30, 2015, payable in monthly installments, which monthly installments based on the twelve-month annualized price of \$347,603.04 will be in the amount of \$28,966.92 each and shall be billed, payable, and prorated in accordance with the manner set forth in Section 7.1 of this Agreement. Beginning on October 1, 2014, the per diem rate shall also increase by 2% to a new amount of \$1.61, payable to SHP by County for each inmate per month in excess of 288 (if any).

If County should opt to renew this Agreement for the twelve-month period beginning on October 1, 2015, the amount of compensation shall increase by 2%, such that County shall compensate SHP based on a twelve-month annualized price of \$354,555.12 during the period effective October 1, 2015, through September 30, 2016, payable in monthly installments, which monthly installments based on the twelve-month annualized price of \$354,555.12 will be in the amount of \$29,546.26 each and shall be billed, payable, and prorated in accordance with the manner set forth in Section 7.1 of this Agreement. Beginning on October 1, 2015, the per diem rate shall also increase by 2% to a new amount of \$1.64, payable to SHP by County for each inmate per month in excess of 288 (if any).

If County should opt to renew this Agreement for the twelve-month period beginning on October 1, 2016, the amount of compensation shall not increase, such that County shall continue to compensate SHP based on a twelve-month annualized price of \$354,555.12 during the period effective October 1, 2016, through September 30, 2017, payable in monthly installments of \$29,546.26 each, which shall be billed, payable, and prorated in accordance with the manner set forth in Section 7.1 of this Agreement. Beginning on October 1, 2015, the per diem rate shall not increase and will remain at the amount of \$1.64, payable to SHP by County for each inmate per month in excess of 288 (if any).

Section 9.3 is hereby replaced in its entirety by the following:

9.3 Notice. Unless otherwise provided herein, all notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand or sent by certified mail, return receipt requested, postage prepaid, and addressed to the appropriate party(s) at the following address or to any other person at any other address as may be designated in writing by the parties:

- a. County: Limestone County Commission
ATTN: County Administrator
310 West Washington Street
Athens, Alabama 35611

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- b. SHP: Southern Health Partners, Inc.
2030 Hamilton Place Boulevard, Suite 140
Chattanooga, Tennessee 37421
Attn: President

Notices shall be effective upon receipt regardless of the form used.

IN WITNESS WHEREOF, the parties have executed this Agreement in their official capacities with legal authority to do so.

LIMESTONE COUNTY COMMISSION
BY:

Date: _____

ATTEST:

Date: _____

SOUTHERN HEALTH PARTNERS, INC.
BY:

Jeffrey A. Reasons, Chief Executive Officer

Date: _____

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by James W. "Bill" Latimer to approve the following agreements with Morell Engineering to provide Preliminary Engineering Design and Survey work for the following ATRIP projects:

ATRIP 42-05-22	Bridge Replacement on Grigsby Ferry Rd over branch	\$ 34,425.00
ATRIP 42-05-23	Bridge Replacement on Liberty Lane over Little Limestone Creek	\$ 56,611.00
ATRIP 42-05-24	Intersection Improvements at East Limestone & Capshaw Rd	\$ 56,943.00
ATRIP 42-05-28	Add lanes on East Limestone Rd from Elkins Rd to East Limestone School	\$ 36,355.00
ATRIP 42-05-29	Bridge Replacement on Quinn Rd over Beauchamp Branch	\$ 36,126.00

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ATRIP 42-05-30	Bridge Replacement on Quinn Rd over Round Island Creek	\$ 45,909.00
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ATRIP 42-05-31	Bridge Replacement on Thach Rd over an unnamed branch	\$ 35,532.00
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Total Agreement Amounts	\$ 301,901.00
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The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by James W. "Bill" Latimer and seconded by Steve Turner to promote Ricky Smith to Assistant Superintendent of County Buildings, effective April 1, 2014.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Ben Harrison to approve Family Medical Leave for the following:

- Pat Andrews beginning February 14, 2014 until May 12, 2014
- Cynthia Adams beginning February 19, 2014 until March 6, 2014

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by James W. "Bill" Latimer and seconded by Steve Turner to transfer the following:

- Matthew Williamson to the Paving Crew as Equipment Operator II
- Laura Then to Tax Collection Clerk in the Revenue Commissioner's Office

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Steve Turner and seconded by Ben Harrison to approve the following merit increases, which are included in the base pay and cost of living pay as listed below.

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Name	Position	Effective Date
Ronald Andris	Corrections Officer	3/18/14
Bobbi Bailey	Elections Director/Admin. Assistant	3/23/14
Brandon Baker	Deputy	3/21/14
Carma Boyd	Corrections Officer	3/07/14
Justin Flanagan	Deputy	3/17/14
Jimmy Gatlin II	Equipment Operator II	3/10/14
Joshua James	Corrections Officer	11/7/12
Joshua James	Corrections Officer	11/7/13
Joey Liginfelter	Corrections Officer	3/07/14
Janice Miller	Nutrition Site Manager	3/27/14
Loren Norwood	Corrections Officer	3/02/14
Haley Wilborn	Corrections Officer	3/07/14
Shirley Yarbrough	Nutrition Site Manager	3/03/14

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by James W. "Bill" Latimer to suspend the Rules of Order to add a Change order to the agenda.

The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

MOTION was made by Ben Harrison and seconded by James W. "Bill" Latimer to approve a Change Order for Judges Benches on the platform area at the temporary Courthouse location; in the amount of \$22,165.00.

The Chairman asked if there was any discussion. There was no discussion. The Chairman called the roll. Steve Turner, aye; James W. "Bill" Latimer, aye; and Ben Harrison, aye. Motion carries unanimously.

Chairman Menefee expressed his appreciation for how well the City and County work together.

Commissioner Steve Turner stated that political signs are not allowed on the right-of-way without the County's approval per Act. No. 93-867 approved 8/31/93.

Recessed at 10:22 a.m. until 10:00 a.m. on Wednesday, March 12, 2014, at the Washington Street Courthouse Annex, 310 West Washington Street, Athens, AL.